

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

**Consent Proposed  
Order of Restitution**

v.

GERRY DE JESUS MARTE HERNANDEZ,

13 Cr. 108 (LAP)

Defendant.

---

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Jerry J. Fang and Frank J. Balsamello, Assistant United States Attorneys, of counsel; the presentence investigation report; the defendant's conviction on Counts One through Four of the Indictment; and all other proceedings in this case, it is hereby ORDERED that:

**1. Amount of Restitution**

GERRY DE JESUS MARTE HERNANDEZ, the defendant, shall pay restitution in the total amount of \$20,947,684.00, pursuant to 18 U.S.C. § 3663 and 18 U.S.C. § 3663A, to the victim of the offenses charged in Count One through Three. The names, addresses, and specific amounts owed to each victim are set forth in the Schedule of Victims, attached hereto as Schedule A. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of Court is authorized to send payments to the new address without further order of this Court.

**A. Joint and Several Liability**

Restitution is not joint and several with other defendants or with others not named herein.

**B. Apportionment Among Victims**

Restitution shall be paid to the victim(s) identified in the Schedule of Victims, attached hereto as Schedule A, on a pro rata basis, whereby each payment shall be distributed proportionally

to each victim based upon the amount of loss for each victim, as set forth more fully in Schedule A.

**2. Schedule of Payments**

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

The total amount of restitution is due and payable immediately pursuant to 18 U.S.C. § 3572(d)(1) upon entry of judgment. While serving the term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP). In the interest of justice, pursuant to 18 U.S.C. § 3572(d)(1) and (2), any unpaid amount remaining upon release from prison will be payable in installments of at least 10 percent of the defendant's gross income, payable on the first of each month. This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

**3. Payment Instructions**

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his name and the docket number of this case on each check or money order.

Because a victim is the Internal Revenue Service (“IRS”), the Clerk’s Office shall forward all restitution payments to the below address within 30 days of receiving said payments from the defendant:

IRS - RACS  
Attn: Mail Stop 6261, Restitution  
333 W. Pershing Ave.  
Kansas City, MO 64108

**4. Change in Circumstances**

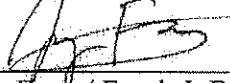
The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney’s Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant’s name, residence, or mailing address or (2) any material change in the defendant’s financial resources that affects the defendant’s ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

**5. Term of Liability**

The defendant’s liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant’s release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant’s estate will be held responsible for any unpaid balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York

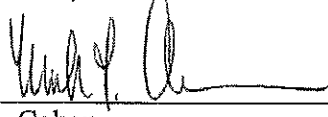
By:   
Jerry J. Fang / Frank J. Balsamello  
One Saint Andrew's Plaza  
New York, NY 10007  
Tel.: (212) 637-2584 / 2325

11/6/23  
DATE

GERRY DE JESUS MARTE HERNANDEZ

By:   
Gerry de Jesus Marte Hernandez

11/7/23  
DATE

By:   
Mark I. Cohen  
Cohen Frankel & Ruggiero, LLP  
20 Vesey Street, Suite 1200  
New York, New York 10007  
212-732-0002

11/7/23  
DATE

\_\_\_\_\_  
Spanish Interpreter

SO ORDERED:

  
HONORABLE LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE

11/8/23  
DATE